

SHB 2482 - S COMM AMD

By Committee on Government Operations & Elections

ADOPTED 03/07/2008

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 35.21.005 and 2003 c 331 s 8 are each amended to read
4 as follows:

5 Wherever in this title petitions are required to be signed and
6 filed, the following rules shall govern the sufficiency thereof:

7 (1) A petition may include any page or group of pages containing an
8 identical text or prayer intended by the circulators, signers or
9 sponsors to be presented and considered as one petition and containing
10 the following essential elements when applicable, except that the
11 elements referred to in (d) and (e) of this subsection are essential
12 for petitions referring or initiating legislative matters to the
13 voters, but are directory as to other petitions:

14 (a) The text or prayer of the petition which shall be a concise
15 statement of the action or relief sought by petitioners and shall
16 include a reference to the applicable state statute or city ordinance,
17 if any;

18 (b) If the petition initiates or refers an ordinance, a true copy
19 thereof;

20 (c) If the petition seeks the annexation, incorporation,
21 withdrawal, or reduction of an area for any purpose, an accurate legal
22 description of the area proposed for such action and if practical, a
23 map of the area;

24 (d) Numbered lines for signatures with space provided beside each
25 signature for the name and address of the signer and the date of
26 signing;

27 (e) The warning statement prescribed in subsection (2) of this
28 section.

29 (2) Petitions shall be printed or typed on single sheets of white

1 paper of good quality and each sheet of petition paper having a space
2 thereon for signatures shall contain the text or prayer of the petition
3 and the following warning:

4 WARNING

5 Every person who signs this petition with any other than his or
6 her true name, or who knowingly signs more than one of these
7 petitions, or signs a petition seeking an election when he or
8 she is not a legal voter, or signs a petition when he or she is
9 otherwise not qualified to sign, or who makes herein any false
10 statement, shall be guilty of a misdemeanor.

11 Each signature shall be executed in ink or indelible pencil and
12 shall be followed by the name and address of the signer and the date of
13 signing.

14 (3) The term "signer" means any person who signs his or her own
15 name to the petition.

16 (4) To be sufficient a petition must contain valid signatures of
17 qualified registered voters or property owners, as the case may be, in
18 the number required by the applicable statute or ordinance. Within
19 three working days after the filing of a petition, the officer with
20 whom the petition is filed shall transmit the petition to the county
21 auditor for petitions signed by registered voters, or to the county
22 assessor for petitions signed by property owners for determination of
23 sufficiency. The officer or officers whose duty it is to determine the
24 sufficiency of the petition shall proceed to make such a determination
25 with reasonable promptness and shall file with the officer receiving
26 the petition for filing a certificate stating the date upon which such
27 determination was begun, which date shall be referred to as the
28 terminal date. Additional pages of one or more signatures may be added
29 to the petition by filing the same with the appropriate filing officer
30 prior to such terminal date. Any signer of a filed petition may
31 withdraw his or her signature by a written request for withdrawal filed
32 with the receiving officer prior to such terminal date. Such written
33 request shall so sufficiently describe the petition as to make
34 identification of the person and the petition certain. The name of any
35 person seeking to withdraw shall be signed exactly the same as
36 contained on the petition and, after the filing of such request for

1 withdrawal, prior to the terminal date, the signature of any person
2 seeking such withdrawal shall be deemed withdrawn.

3 (5) Petitions containing the required number of signatures shall be
4 accepted as prima facie valid until their invalidity has been proved.

5 (6) A variation on petitions between the signatures on the petition
6 and that on the voter's permanent registration caused by the
7 substitution of initials instead of the first or middle names, or both,
8 shall not invalidate the signature on the petition if the surname and
9 handwriting are the same.

10 (7) Signatures, including the original, of any person who has
11 signed a petition two or more times shall be stricken.

12 (8) Signatures followed by a date of signing which is more than six
13 months prior to the date of filing of the petition shall be stricken.

14 (9) When petitions are required to be signed by the owners of
15 property, the determination shall be made by the county assessor.
16 Where validation of signatures to the petition is required, the
17 following shall apply:

18 (a) The signature of a record owner, as determined by the records
19 of the county auditor, shall be sufficient without the signature of his
20 or her spouse;

21 (b) In the case of mortgaged property, the signature of the
22 mortgagor shall be sufficient, without the signature of his or her
23 spouse;

24 (c) In the case of property purchased on contract, the signature of
25 the contract purchaser, as shown by the records of the county auditor,
26 shall be deemed sufficient, without the signature of his or her spouse;

27 (d) Any officer of a corporation owning land within the area
28 involved who is duly authorized to execute deeds or encumbrances on
29 behalf of the corporation, may sign on behalf of such corporation, and
30 shall attach to the petition a certified excerpt from the bylaws of
31 such corporation showing such authority;

32 (e) When the petition seeks annexation, any officer of a
33 corporation owning land within the area involved, who is duly
34 authorized to execute deeds or encumbrances on behalf of the
35 corporation, may sign under oath on behalf of such corporation. If an
36 officer signs the petition, he or she must attach an affidavit stating
37 that he or she is duly authorized to sign the petition on behalf of
38 such corporation;

1 (f) When property stands in the name of a deceased person or any
2 person for whom a guardian has been appointed, the signature of the
3 executor, administrator, or guardian, as the case may be, shall be
4 equivalent to the signature of the owner of the property; and

5 ~~((f))~~ (g) When a parcel of property is owned by multiple owners,
6 the signature of an owner designated by the multiple owners is
7 sufficient.

8 (10) The officer or officers responsible for determining the
9 sufficiency of the petition shall do so in writing and transmit the
10 written certificate to the officer with whom the petition was
11 originally filed.

12 **Sec. 2.** RCW 35A.01.040 and 2003 c 331 s 9 are each amended to read
13 as follows:

14 Wherever in this title petitions are required to be signed and
15 filed, the following rules shall govern the sufficiency thereof:

16 (1) A petition may include any page or group of pages containing an
17 identical text or prayer intended by the circulators, signers or
18 sponsors to be presented and considered as one petition and containing
19 the following essential elements when applicable, except that the
20 elements referred to in (d) and (e) of this subsection are essential
21 for petitions referring or initiating legislative matters to the
22 voters, but are directory as to other petitions:

23 (a) The text or prayer of the petition which shall be a concise
24 statement of the action or relief sought by petitioners and shall
25 include a reference to the applicable state statute or city ordinance,
26 if any;

27 (b) If the petition initiates or refers an ordinance, a true copy
28 thereof;

29 (c) If the petition seeks the annexation, incorporation,
30 withdrawal, or reduction of an area for any purpose, an accurate legal
31 description of the area proposed for such action and if practical, a
32 map of the area;

33 (d) Numbered lines for signatures with space provided beside each
34 signature for the name and address of the signer and the date of
35 signing;

36 (e) The warning statement prescribed in subsection (2) of this
37 section.

1 (2) Petitions shall be printed or typed on single sheets of white
2 paper of good quality and each sheet of petition paper having a space
3 thereon for signatures shall contain the text or prayer of the petition
4 and the following warning:

5 WARNING

6 Every person who signs this petition with any other than his or
7 her true name, or who knowingly signs more than one of these
8 petitions, or signs a petition seeking an election when he or
9 she is not a legal voter, or signs a petition when he or she is
10 otherwise not qualified to sign, or who makes herein any false
11 statement, shall be guilty of a misdemeanor.

12 Each signature shall be executed in ink or indelible pencil and
13 shall be followed by the name and address of the signer and the date of
14 signing.

15 (3) The term "signer" means any person who signs his or her own
16 name to the petition.

17 (4) To be sufficient a petition must contain valid signatures of
18 qualified registered voters or property owners, as the case may be, in
19 the number required by the applicable statute or ordinance. Within
20 three working days after the filing of a petition, the officer with
21 whom the petition is filed shall transmit the petition to the county
22 auditor for petitions signed by registered voters, or to the county
23 assessor for petitions signed by property owners for determination of
24 sufficiency. The officer or officers whose duty it is to determine the
25 sufficiency of the petition shall proceed to make such a determination
26 with reasonable promptness and shall file with the officer receiving
27 the petition for filing a certificate stating the date upon which such
28 determination was begun, which date shall be referred to as the
29 terminal date. Additional pages of one or more signatures may be added
30 to the petition by filing the same with the appropriate filing officer
31 prior to such terminal date. Any signer of a filed petition may
32 withdraw his or her signature by a written request for withdrawal filed
33 with the receiving officer prior to such terminal date. Such written
34 request shall so sufficiently describe the petition as to make
35 identification of the person and the petition certain. The name of any
36 person seeking to withdraw shall be signed exactly the same as

1 contained on the petition and, after the filing of such request for
2 withdrawal, prior to the terminal date, the signature of any person
3 seeking such withdrawal shall be deemed withdrawn.

4 (5) Petitions containing the required number of signatures shall be
5 accepted as prima facie valid until their invalidity has been proved.

6 (6) A variation on petitions between the signatures on the petition
7 and that on the voter's permanent registration caused by the
8 substitution of initials instead of the first or middle names, or both,
9 shall not invalidate the signature on the petition if the surname and
10 handwriting are the same.

11 (7) Signatures, including the original, of any person who has
12 signed a petition two or more times shall be stricken.

13 (8) Signatures followed by a date of signing which is more than six
14 months prior to the date of filing of the petition shall be stricken.

15 (9) When petitions are required to be signed by the owners of
16 property, the determination shall be made by the county assessor.
17 Where validation of signatures to the petition is required, the
18 following shall apply:

19 (a) The signature of a record owner, as determined by the records
20 of the county auditor, shall be sufficient without the signature of his
21 or her spouse;

22 (b) In the case of mortgaged property, the signature of the
23 mortgagor shall be sufficient, without the signature of his or her
24 spouse;

25 (c) In the case of property purchased on contract, the signature of
26 the contract purchaser, as shown by the records of the county auditor,
27 shall be deemed sufficient, without the signature of his or her spouse;

28 (d) Any officer of a corporation owning land within the area
29 involved who is duly authorized to execute deeds or encumbrances on
30 behalf of the corporation, may sign on behalf of such corporation, and
31 shall attach to the petition a certified excerpt from the bylaws of
32 such corporation showing such authority;

33 (e) When the petition seeks annexation, any officer of a
34 corporation owning land within the area involved, who is duly
35 authorized to execute deeds or encumbrances on behalf of the
36 corporation, may sign under oath on behalf of such corporation. If an
37 officer signs the petition, he or she must attach an affidavit stating

1 that he or she is duly authorized to sign the petition on behalf of
2 such corporation;

3 (f) When property stands in the name of a deceased person or any
4 person for whom a guardian has been appointed, the signature of the
5 executor, administrator, or guardian, as the case may be, shall be
6 equivalent to the signature of the owner of the property; and

7 ((+f+)) (g) When a parcel of property is owned by multiple owners,
8 the signature of an owner designated by the multiple owners is
9 sufficient.

10 (10) The officer or officers responsible for determining the
11 sufficiency of the petition shall do so in writing and transmit the
12 written certificate to the officer with whom the petition was
13 originally filed."

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14 On page 1, line 2 of the title, after "annexation;" strike the
15 remainder of the title and insert "and amending RCW 35.21.005 and
16 35A.01.040."

EFFECT: Requires an officer of a corporation who is signing the
petition on the corporation's behalf to attach an affidavit stating the
officer's authority to do so.

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